



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/533,466 03/22/00 COLLART

F 21716/90042

HM22/1015

EXAMINER

ALICE O MARTIN
BARNES & THORNBURG
2600 CHASE PLAZA
10 SOUTH LASALLE STREET
CHICAGO IL 60603

HARTTER, A

ART UNIT	PAPER NUMBER
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1631

17

DATE MAILED:

10/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/533,466	 Applicant(s) COLLART ET AL.
Examiner Amy Harter	Art Unit 1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 July 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application. ^{9/15}

4a) Of the above claim(s) 15 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

Detailed Action

Applicants' arguments, filed 7/23/01, have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous Office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Misnumbered claim 9 been renumbered claim 17.

Newly submitted claim 15 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Please note that claim 15 is distinct due to the fact that it is in the original no-elected Group II.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 15 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 2,4,6, and 8 are rejected under 35 U.S.C. 112, first paragraph. The rejection is relaxed in Claims 5 and 7 due to the fact that the binding pocket is defined in Claims 5 and 7 but it lacks enablement for the broader claims such as 2, 4, 6, and 8.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, due to the fact that in the responsive arguments insufficient information has been set forth regarding structural requirements for the functional homologues that are set forth in Claim 6. Therefore the instant claim continues to lack enablement.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as no amendment or argument has responded to the rejection based on the inconsistency of how a molecule can "comprise coordinates".

Claims 5, 6, and 8 are rejected under 102(b) as being anticipated by Sintchak et al. because these instant claims include homologues as stated in Sintchak et al.

Claims 5 and 6 are rejected under 102(b) as being anticipated by Collart et al. because the arguments is non-persuasive in that well diffracting crystals are not required in these claims.

Claims 1, 5, 6, and 8 are rejected under 102(e) as being anticipated by Wilson et al. as the homologues are included as in addition to there is no limitation as to a particular type I or II in the claims.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

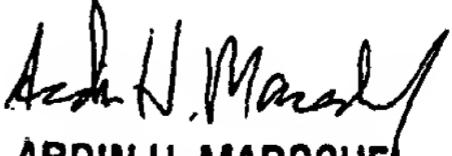
Any inquiry concerning this communication or earlier communications from this examiner should be directed to Amy Hartter whose telephone number is (703) 305-1696. The examiner can normally be reached M-F from 8:00 to 4:30 p.m. (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (703) 305-4028. The fax phone numbers for the group are (703) 308-4242 and (703) 305-3014.

Any inquiry of a general nature relating to the status of this application should be directed to the Patent Analyst, Kim Davis, whose telephone number is (703) 305-3015 or to the Technical Center Receptionist whose telephone number is (703) 308-0196.


Amy Hartter

(703) 305-1696


ARDIN H. MARSCHEL
PRIMARY EXAMINER